

1894-008
Lee Co.

Chancery Causes: Alpha Parrott for & os C. W. Hamblen &

Duncan, Ely, Bishop

CA - Debt
T - Property

To the Honorable W.T. Miller, Judge of the Circuit Court
for Lee County, Virginia:

Humbly complaining, your oratrix, Alpha Parrott, Adminis-
tratrix, &c., who sues for the benefit of C.T. Duncan, would
respectfully represent and show unto your honor:

That, at a Circuit Court, continued and held for Lee
County, at the Court-house thereof, on Tuesday, the 24th day of
August, 1885, she obtained a judgement against C.W. Hamblen,
Thos. S. Ely and E. S. Bishop for the sum of Two hundred and nine-
ty-five dollars and fifty-two cents, the penalty of a forth-
coming bond, which was to be discharged by the payment of One
hundred and forty-seven dollars and seventy-six cents, with ~~ix~~
legal interest thereon from the 22nd day of September 1885 un-
til paid and the costs which amount to Three dollars and nine-
ty-three cents as taxed by the Clerk, all of which will more
fully appear from the order of the said court rendering said
judgement, a copy of which is herewith filed as part hereof
marked "A".

Your oratrix will further show your honor that said judge-
ment was duly docketed in the Judgement Lien Docket on the 7th
day of September 1886, as will appear from a transcript from
said Lien Docket herewith filed as part hereof marked "B",
thereby constituting a lien upon all the lands then owned by
the said C.W. Hamblen, Thos. S. Ely and E. S. Bishop, at that time.

Your oratrix here states that payments have been made on
said judgement amounting to some Forty dollars as the benefi-
cial plaintiff remembers; that the said C.W. Hamblen has a re-
ceipt for said payment which will show the date and amount
thereof.

Your oratrix will now further show your honor, that the
said C.W. Hamblen, the principal judgement debtor aforesaid, is
now and was at the time of the rendering of said judgement a-
foresaid, the owner of a large and valuable tract of land, sit-
uated in Lee County, Virginia, about five miles West of the
town of Jonesville, on the Mulberry Gap road, near Wesley's

Chapel, adjoining the lands of Thos.S.Ely, W.M.Davidson and others, and containing about _____ acres. This land was heired by the said C.W.Hambeln from his father.

There are no other liens on said tract of land so far as your oratrix knows, nor are there any other liens against the lands of Thos.S.Ely, or E.S.Bishop, known to your oratrix.

The lands of the said C.W.Hamblen aforesaid will probably rent for enough in five years renting to pay the bedt of your oratrix, together with the interest and costs attending the same.

Now the object of this bill is to enforce the lien of said judgement aforesaid and to collect the balance due thereon, and being without adequate remedy at law, she prays your honor's Court of Chancery to take cognisance of her cause and grant her the proper relief.

To this end she prays that C.W.Hamblen, Thos.S.Ely and E.S.Bishop be made the parties defendant to this bill: that ~~the~~ they each be required to answer its several allegations on oath: that upon a hearing the lien of said judgement be enforced: that the lands of the said C.W.Hamblen be rented, or sold, as the Court may think proper, for the purpose of satisfying said judgement: and in the event that said Hamblen's lands are insufficient, that the lands of Thos.S.Ely and E.S.Bishop be subjected thereto.

And if in anywise mistaken in this prayer, then your oratrix prays for full general relief.

May Spa. in chancery issue, directed &c.

Duncan & Hyatt, P.Q.

Alpha Parrott Admrx. forre
vs. Bill in Chy.
C. W. Hamblew et al.

Duncan & Hyatt, p. 9.

To the Honorable H.S.K. Morrison, Judge of the Circuit Court of Lee County, Virginia:

The separate demurrer and answer of Larkin Herndon to a bill in chancery exhibited against him and others in this honorable Court by L. C. Younger.

Respondent says that complainant's bill is not sufficient in law to call upon him to answer it in this honorable court, but that there is good cause of demurrer thereto and he demurs accordingly, and prays judgement of his said demurrer. And not waiving said demurrer, but relying and insisting thereon, should other and further answer be required of him answering he says:

That he has filed his separate answer to a bill in chancery exhibited against him and others in this court by Powers Little & Co.; he has also filed his answer to another bill exhibited against him and others in this court by Cowan McClung & Co.; and he has also filed his answer to a bill in chancery exhibited against him in this honorable court by Berry Gilliam & Co.; all of which causes are still pending in this honorable court, and all have a common purpose with the bill filed by complainants, and contain almost identically the same allegations, except as to the amount claimed and are against identically the same persons. Respondent refers to said answers and adopts them as a part of his answer in this case, and asks that they may be treated as such. And now having answered as fully as he is advised material he should answer, he prays to be hence dismissed with his reasonable costs in this behalf expended.

Duncan S. Lyatt p.d.

*Sworn to before me this the 5th day of March 1894
A. B. Munsey Clerk*

W.C.Herndon et als.

Separate Answer and De-
Ads. mirror of Larkin Hern-
don, one of defendants.

L.C.Younger.

Duncan & Hvatt, p.d.

To the Honorable H.S.K. Morrison, Judge of the Circuit Court of Lee County, Virginia:

The separate demurrer and answer of John P. Herndon to a bill in chancery exhibited against him and others in this honorable court by L. C. Younger.

Respondent says that Complainant's bill is not sufficient in law to call upon him to answer it in this honorable court, but that there is good cause of demurrer thereto and he demurs accordingly, and prays judgement of his said demurrer. And not waiving said demurrer, but relying and insisting thereon, should other and further answer be required of him answering he says:

That he has filed his separate answer to a bill in chancery exhibited against him and others in this honorable court by Powers, Little & Co.: he has also filed his answer to another bill exhibited against him and others in this honorable court by Cowan McClung & Co.: and he has also filed his separate answer and demurrer to a bill in chancery exhibited against him and others in this honorable court by Berry Gilliam & Co., all of which causes are still pending in this honorable court, and all have a common purpose with the bill filed by complainants, and contain almost identically the same allegations except as to the amount claimed, and are against identically the same persons. Respondent refers to said answers and adopts them as a part of his answer in this case, and asks that they may be treated as such. And now having answered as fully as he is advised material he should answer, he prays to be hence dismissed with his costs &c.

Duncan Hyatt, p. d.

*Sworn to before me this the 5th day of March 1894
A. B. Munsey clk*

W.C. Herndon et als.

Ads.

Separate answer and
Demurrer of John P.
Herndon, one of the
defendants

L.C. Younger.

Duncan & Hvatt, p.d.

Alpha Parrott, for &c.

Plaintiff.

vs.

In Chancery.

C.W.Hamblen et als.

Defendants.

This cause came on this day to be heard upon the bill of the complainant and exhibits therewith, and was argued by Counsel. And it appearing to the court that process has been duly served upon the defendants for more than fifteen days before the first day of this term of the court, and that they have failed to appear, answer, plead or demur, the complainant's bill is taken for confessed against them. On consideration whereof, it is adjudged, ordered and decreed that the plaintiff recover of the defendants One hundred and fifty-one dollars and sixty-nine cents with interest on one hundred and forty-seven dollars seventy-six cents, part thereof from the 22nd day of September 1885 until paid, and the costs of this suit to be taxed by the Clerk, subject to a credit of forty-three dollars paid on the _____ day of November 1886. And it appearing to the court that C.W.Hamblen is the principal debtor and that he is the owner of a valuable tract of land ~~xxx~~ in this county, upon which said judgement is a lien, ~~xxx~~ the rents and profits of which will in five years renting pay said judgement, interest and the costs of this suit, and it being averred in the bill and not denied that there are no other liens upon said tract of land, it is therefore adjudged, ordered and decreed, that unless the said defendants or some one for ~~them~~ shall within thirty days after the rising of this court pay to the beneficial plaintiff, said sum of money with its interest and the costs of this suit, then L.T.Hyatt, who is appointed a commissioner for the purpose will after advertising the time terms and place of renting for at least thirty ~~will~~ proceed on some Court day in front of the Court-house door of Lee County, to rent the lands of the said C.W.Hamblen for the shortest space of time in which they will rent for a sum sufficient to pay said debt, interest and the costs of this suit and the commissions of renting. Said commissioner

will require a sum sufficient to pay the costs of this suit and commissions of renting to be paid down in cash. For the residue, he will take bonds with good security, bearing interest from date, and payable in ~~nine and~~ ^{annual instalments} ~~eighteen months from day of sale.~~ But before proceeding to execute this decree said commissioner will execute bond before the Clerk of this court conditioned according to law in the sum of \$400.00. Said commissioner will report his action to some future term of the Court, and this cause is continued.

Alpha Parrott for 16
vs $\frac{1}{2}$ Deane
C. W. Hambleton et al

Deane for Runtay

Entered in the
Circuit Book
Page 97

Enter this decree
W. L. M.
Nov 15 - 1894

Virginia

At a circuit court continued and held for Lee County at the Court house thereof on Tuesday the 24th day of August 1885

Alpha Parrott Adm^r Complainant
VS

A motion
for a forth
coming
bond for
feited

W Hamblen, Thos S Ely & E S Bishop Defs

This day came the plaintiff by her attorney and it appearing to the court that the defendants have had legal notice of this motion; - They were solemnly called but came not; - It is therefore considered by the court that the plaintiff recover against the defendants \$295.52 the penalty of said bond but which is to be discharged by the payment of \$147.76 with legal interest thereon from the 22nd day of September 1885 until paid and the costs.

C 268
S 1.00
Co C 25.
\$3.93

Virginia

Lee County to wit:

I A B Munsey Clerk of the Circuit Court for the County and State aforesaid do certify that the foregoing is a true transcript from the records of my office;

Given under my hand this the 1st day of September 1894
A B Munsey Clerk

Alpha Parrott admn

vs. { Copy Order.

to W Hamblen et al

O Book Page 521

"A."

Clerk's fee for copy. 25^c

Judgement Lien Docket.

Date of Judgement	By what Court rendered	Time of Docketing	Name and description and residence of parties	Debt, Damages, Interest & Costs	Amount and date of credits.
1886 Aug 24 th	Lee Circuit Court.	1886 Sept. 7 th	Alpha Parrott, Admr. &c. of Lee Co. Va. Plffs.) vs. C. W. Haublen & Thos. S. Ely & E. S. Bishop of Lee Co. Va. Defts	Judgement for \$295.52, the penalty of a Forthcoming Bond, to be discharged by the payment of \$147.76 with legal interest thereon from the 22 nd day of Sept. 1886 till paid & the costs C 268 \$ 1.00 Co. C. 25-	

Virginia, Lee County, to wit:

I, S. V. F. Richmond, clerk of the County Court
for the County and State aforesaid, do certify that
the foregoing is a true transcript from the records
in my office. Given under my hand this Sept. 1st 1894.
S. V. F. Richmond clerk

See consideration that L. & N. has located and proposes to construct its creek or channel through, over the lands of the party of the 1st part and the advantages to be derived therefrom & further sum of \$100 in hand paid do grant a right of way first a strip 100 feet wide lying 50 feet on each side of center line and extending from the northern boundary of the depot grounds this day conveyed in a northern direction for a distance of 8100 ft more or less to the crossing of the north fork of Paralle River.

2. a strip of land 100 feet wide adjoining west side of the strip of land extending from the poor valley road at Station 49 of the center line southwardly for a distance of 500 feet to the old division line between V. H. Kelly and Wm M. Pennington

3. A triangular piece bounded to Beginning at a point in the east line of the strip of land first above described opposite opposite station 10 of the center line of the center to be on a line S 52° 33' E for a dis of 570 feet to a point of curve thence by a 10° curve to the left for a dis of 165 feet more or less to the northern boundary line of depot strip thence westwardly along said northern boundary line for a dis

1891. 10 6
 1885 12 22
 5. 9. 15

147.76
 73 8
 221

102 90
 6
 1/2 677 40
 338 7.25
 338 70
 169 85
 28 30
 39.14.05

1895. 4 30
 1891 10 6
 3.6.24

102 90
 6
 1/2 677 40
 185 220
 30 870
 412
 2202

180 7.
 168
 12

at 500 ft. to the E corner of the ship's front
 above described. Thence Northwardly
 along said east line for a dist. 650 feet
 to the beginning, - then follows a description
 of the location of said center line

6 W Hambleton.

To Judgment with Int from Sept 22.85. 147.76
 Int to Dec 22 1885- 2.21

Add costs

3.93
 153.90

Or By com as claimed

51.00

Int on same to Oct 6th 1891

102.90

Int to Oct 6th 1891-

32.14

Or By amt from JMR. Dept.

19.00

Int to April 30th 1895

20.14

22.02

32.16

Add Atty fee

135.06

15.00

150.04

Alpha Parrott for &c Plff.
 vs. } In Chy.
 C. W. Hambleen et als. Defts.

I am appointed a commr. to rent the land of C. W. Hambleen one of defts. for a debt interest, costs &c, as per decree.

Court of Judgement \$151.69
 Int on \$147.76 from 22nd day of 147.76
 Sept 1885 to 1st Nov. 1886 = \$9.83 3.93 costs
147.76
157.59
 Cr. 43.00
114.59

Int on \$114.59 from Nov 1st
 1886 till Jan. 21st 1895 = 56.53
171.12 171.12
√ 171.12
26.80

costs of this suit - 201.05
 Commissions 10.05
211.10

C - 4.00
 S 1.50
 City 15.00
 20.50
 Est. 5.50
 26.00

201.05 -
 05
 10.05 - 20 -

1886.	11	1
1885	9	22
1	1	9

.06
 .005 -
 .0015 -
 0665 -

1895	1	21
1886	11	1
8	2	20

.48
 .01
 .0033
 .4933

147.76
 .0665 -
 73880
 88656
 88656
 9.826040

114.59
 .4933
 34377
 34377
 103131
 45836
 56527.247

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*to W Hamblen, Thos. S Ely
and E. S Bishop*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *1st* Monday in *October*, 189*4*, to answer a bill in Chancery,

exhibited against *Them* in our said court by *Alpha Parrott*
Administratrix &c who sues for the benefit of
C. T. Duncan

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

6th day of *September* 189*4*, and in the 11 *9th* year of the
Commonwealth. *A. B. Munsey* Clerk.

Alpha Parrott, ^{for &c} adm^t

vs.

{ SUPRENA
IN CHANCERY.

C. W. Hamblen et als

Duncan & Hyatt p. q.

To 1st October Rules,
Circuit Court.

Executed the within
summons by deliver-
ing a true copy
thereof to C. W. Hamblin
Es. Bishop and Thomas
S. Ely this Sept 17-1894.

J. M. Weston L. S. for
C. E. Flanary S. L. C.

147 76

3 43

31 69

Oct. 6, 1891.

By cash. 19.00 } 80 cont.

Alpha Parrott, Admr. for 40

3. Elin Chauncy.

C. W. Hamblett et als.

Duncan & Hyatt, p. g.

1894 1st October rules bill filed

Sumo & scuted & Deere nisi

" 2nd October rules Deere nisi

Confirmed & Cause set for
hearing by Plff.